

DOCKET FILE COPY ORIGINAL

## 21st Century Radio Ventures, Inc.

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March 14, 1997

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
Attn: Allocations Branch

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Re: Petition for Rule Making to Amend FM  
Table of Allotments, Old Forge and Newport Village, NY


To Whom It May Concern:

Please find enclosed an original and four copies of the above referenced Petition for Rule Making for the reallocation of Channel 259A from Old Forge to Newport Village, New York and the modification of the construction permit of FM Station BPH-940203MC accordingly.

Also enclosed is a file stamped copy. Please stamp and return the copy marked Stamp and Return in the attached postage paid return envelope.

Please contact the undersigned if you have any questions.

Sincerely,



James L. Primm  
President  
and Counsel

No. of Copies rec'd  
List ABCDE

044

MMB

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|   |   |               |
|---|---|---------------|
| In the matter of                        | ) |               |
|   | ) | MM Docket No. |
| Amendment of Section 73.202(b)          | ) | RM-           |
| Table of Allotments                     | ) |               |
| FM Broadcast Stations                   | ) |               |
| Old Forge and Newport Village, New York | ) |               |
| To: Chief, Policy and Rules Division    | ) |               |

**PETITION FOR RULE MAKING**

21st Century Radio Ventures, Inc., permittee of 940203MC, Old Forge, NY, Channel 259A ("Petitioner") hereby petitions the Commission to institute a rule making proceeding for the purpose of the reallocation of 940203MC, Channel 259A from Old Forge to Newport Village, NY to provide that community with its first local service.

Petitioner proposes to amend the Table of FM Allotments as follows:

|                     | <u>Present</u> | <u>Proposed</u> |
|---------------------|----------------|-----------------|
| Old Forge, NY       | 231A, 259A     | 231A            |
| Newport Village, NY | -----          | 259A            |

The coordinates for the proposed allotment to Old Forge, NY are North Latitude 43°15'43" and West Longitude 75°05'02".

In addition, it is requested that the Commission modify the construction permit issued to Petitioner for 940203MC to specify operation on Channel 259A at Newport Village, NY, pursuant to Section 1.420(i) of the Commission's Rules. Pursuant to §1.420(i) the Commission may modify the permit issued to Petitioner without considering competing expressions of interest because the proposed allotment of

Channel 259A to Newport Village, NY is mutually exclusive with the present allotment of Channel 259A at Old Forge, NY. As discussed below, the proposed change in allotments will not deprive Old Forge, NY of an existing service because Petitioner has not yet constructed 940203MC and under Commission precedent Channel 259A should therefore not be deemed an existing service. In addition, Channel 231A has been allotted and applied for at Old Forge. The proposed change in allotments will result in a preferred distribution of facilities under the Commission's FM allotment priorities and policies. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 66 RR 2d 827 (1989) ("Report and Order"), recon. granted in part, 5 FCC Rcd 7094, 68 RR 2d 644 (1990) ("Memorandum Opinion and Order"). Finally, the proposed community of Newport Village is not located within an urbanized area and the proposed operation at Old Forge will not place a 70 dBu signal over any part of an urbanized area.

## **DISCUSSION**

### **I. NEWPORT VILLAGE IS CLEARLY A COMMUNITY FOR PURPOSES OF THE COMMISSION'S ALLOTMENT CRITERIA**

47 U.S.C. Section 307(b), as amended, requires that the Commission distribute frequencies among the "several states and communities." The Commission has defined community as a geographically identifiable population grouping. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status as a community. See Revision of FM Assignments Policies and Procedures, 90 F.C.C. 2d 88 (1982) ("Assignments Policies"). Newport Village (population 676) is identified as a separate community in the 1990 U.S. Census.

Newport Village has all of the attributes of a community. Newport Village is governed independently (mayor and two village trustees) and holds elections for its own officials. Newport Village operates its own fire department and maintains a public library. It also collects a separate village tax and separate school taxes.

### **II. ALLOTMENT OF CHANNEL 259A AT NEWPORT VILLAGE, NY IS MUTUALLY EXCLUSIVE WITH AN ALLOTMENT OF CHANNEL 259A AT OLD FORGE, NY.**

Section 1.420(i) of the Commission's rules permits a station to specify a new community of license, provided the proposed allotment is mutually exclusive with the present assignment. Because the Newport Village Channel 259A reference site would be short-spaced to the authorized Channel 259A site, the new allotment is mutually exclusive with the existing allotment. Please see Figure 1 of the engineering statement of du Treil, Lundin & Rackley attached hereto for an allocation study of the cities in

question.

The referenced site at Newport Village also complies with the Commission's minimum distance separation requirements contained in Section 73.207 to all existing, authorized and proposed stations and allotments, except to the authorized Channel 259A site. Operation from the reference site will provide the requisite city grade signal to all of Newport Village. Figure 2 of the Engineering Exhibit attached hereto is a map showing the area to locate channel 259A at Newport Village in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities.

### **III. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS**

#### **A. Newport Village, NY Will Receive Its First Local Broadcast Service Without The Loss of an Existing Service to Old Forge, NY.**

Application of the Commission's FM allotment priorities and policies to the proposed change of allotments will result in a preferential arrangement of allotments. Newport Village will be provided with its first local broadcast service which is the Commission's third FM allotment priority and second in weight behind provision of a first aural service. See Assignment Policies, 90 F.C.C. 2d 88, 92 (1982). The removal of Channel 259A from Old Forge, on the other hand, will not deprive that community of its sole existing transmission service, because Channel 259A has never been constructed and is therefore not considered an existing service under the Commission's rules.

The Commission has viewed reallocations which do not result in the loss of an on-air service more favorably. In the Memorandum Opinion and Order, the Commission noted that a reallocation must not deprive a community of an "existing service." The Commission has recently indicated that an "existing service" for purposes of Section 1.420(i) does not include an unbuilt construction permit. The Commission recently upheld reallocation of an unbuilt construction permit noting that its removal "does not present the parallel concerns with loss of service represented by the removal of an operating station, as it does not constitute a service that the public has become reliant upon." Aura Valley, Comobabi, Florence, Oracle, Oro Valley and San Carlos, Arizona, MM Docket 95-127, released January 24, 1997, p. 5. See also Sanibel and San Carlos Park, FL, Report and Order, 10 FCC Rcd 7215 (1995); Pawley's Island and Atlantic Beach, South Carolina, 8 FCC Rcd 8657 (1993) and ; Glencoe and Le Sueur, Minnesota, 7 FCC Rcd 7651 (1992). Channel 259A remains unbuilt and therefore there will not be a loss of existing service to Old Forge.

**B. Another FM Channel Has Been Allocated and Applied for at Old Forge**

Channel 231A was recently allotted to Old Forge and applied for (BPH-961212MF). As a result, provided that a construction permit is ultimately granted, another FM service will be available at Old Forge.

It should also be noted that at least seven other channels may be allocated to Old Forge. See Figure 7 to the Engineering Exhibit of du Treil, Lundin & Rackley.

**C. The Number of Persons Served Will Be Dramatically Increased From 2,889 People to 168,889 People With A "Net Increase" in 1mV/m Coverage to 166,000 People.**

The attached Engineering Exhibit of du Treil, Lundin & Rackley indicates that the reallocation will result in a dramatic increase in service to populated areas, with service increasing from only 2,889 people to 168,889 people. This results in a net gain of 166,000 persons served, even after allowing for a theoretical loss in service to 2,889 people (the loss is noted as theoretical because Channel 259A is unbuilt and has never been on the air).

Petitioner suggests that the resulting large increase in population served justifies a small theoretical loss in service from unbuilt Channel 259A, particularly because the loss occurs in areas already served by at least two stations with much of the lost area served by at least three services (See Figure 6 to the Engineering Exhibit attached hereto).

**D. 940203MC Was Not Obtained Through the Commission's Comparative Hearing Process**

The Memorandum Opinion and Order indicates that a modification of city of license of an unbuilt facility will generally not be permitted when a construction permit is obtained through the Commission's comparative hearing process. Memorandum Opinion and Order, 5 FCC Rcd at 7097. Channel 259A was obtained on a first-come first-serve basis and as a result it is not subject to the foregoing restriction.

**E. Newport Village is Not Located Within Any Urbanized Area and the Proposed Operation Will Not Place a 70 dBu signal over Any Urbanized Area.**

In Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995).

the Commission required that those seeking to change community of license must determine if the new city of license is either located within an urbanized area or if the proposed operation will place a 70 dBu signal over 50% or more of an urbanized area. Newport Village is not located within an urbanized area and Petitioner's proposed operation will not place a 70 dBu signal over any part of an urbanized area.

#### **IV. APPLICATION BY PETITIONER AFTER GRANT OF INSTANT PETITION**

In the event that the instant petition is granted, Petitioner will file an application for a modification of its construction permit for the facilities provided herein and shall promptly construct the facilities when such authorization is granted.

#### **V. SUMMARY AND CONCLUSION**

The proposed reallocation of Channel 259A from Old Forge to Newport Village and the modification of the construction permit of FM station 940203MC accordingly, will result in a preferential arrangement of allotments under the Commission's rules. At least 166,000 more people will be served and Newport Village will be provided with its first local broadcast service. Old Forge will not lose an existing service because Channel 259A is not yet on the air and is therefore not considered an existing service under the Commission's rules. Additionally, an additional FM channel, 231A was recently allotted and applied for at Old Forge.

The proposed reallocation meets all Commission technical requirements, as the proposed reallocation is mutually exclusive with the present assignment and it will meet



all Commission separation requirements. Operation from the reference site will place a city grade signal over Newport Village.

The Statements in this Petition for Rule Making are true, complete and correct to the best of my knowledge and belief, and are made in good faith

Respectfully submitted,

21st Century Radio Ventures, Inc.

By: 

James L. Primm  
President and Counsel

March 17, 1997

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310-393-2741

TECHNICAL EXHIBIT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
OLD FORGE AND NEWPORT VILLAGE, NEW YORK

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of 21st Century Radio Ventures, Inc. (herein "Petitioner") in support of a Petition for Rule Making to amend Section 73.202(b) by the reallocation of channel 259A from Old Forge to Newport Village, New York and the modification of the Petitioner's construction permit for channel 259A at Old Forge (BPH-940203MC) accordingly. As the requested change is mutually exclusive with the allotment of channel 259A at Old Forge, Petitioner invokes the provisions of Section 1.420(i).

The following is a summary of the reallocation proposal:

- The community of Newport Village (1990 population 676) will be provided with its first local aural transmission service and Old Forge (1980 population 1,061, CDP deleted from 1990 Census) will not be deprived of its sole "existing" local service because petitioner has not yet constructed the authorized channel 259A facility and channel 231A is a vacant, applied for, allotment at Old Forge.
- Newport Village is not located within an Urbanized Area as defined by the 1990 U.S. Census.
- The proposed operation will not place a 70 dBu signal over 50% or more of any Urbanized Area and, therefore, constitutes a first local service at Newport Village.
- The number of persons within the channel 259A 1 mV/m contour will increase from 2,889 persons to 168,889 persons, and there will be a "net" increase in 1 mV/m coverage to 166,000 persons.

- As the authorized channel 259A operation at Old Forge is unbuilt, the loss area created by the proposal is not a service upon which the public has come to rely.
- The Petitioner filed a "first-come/first serve" application for the vacant channel 259A allotment at Old Forge; therefore, the authorized facilities did not result from a comparative hearing.
- There are at least 7 other FM channels available for allotment to Old Forge.

Proposed Change in Table of Allotments

Petitioner is currently authorized by outstanding construction permit (BPH-940203MC) to operate on channel 259A at Old Forge, New York with an effective radiated power (ERP) of 3.8 kW and an antenna height above average terrain (HAAT) of 73 meters. The Petitioners application for construction permit was filed on a "first-come/first serve" basis for the vacant channel 259A allotment at Old Forge. Therefore, the authorized channel 259A operation at Old Forge did not result from a comparative hearing.

Old Forge, New York was a Census Designated Place (CDP) in the 1980 Census with a population of 1,061 persons. Old Forge CDP was deleted from the 1990 Census. Although Old Forge has no existing local AM or FM service, channel 231A is currently a vacant allotment at Old Forge with an application pending (BPH-961212MF). Furthermore, Petitioner has not yet constructed the channel 259A operation. Therefore, adoption of the proposal will not deprive Old Forge of its sole "existing" local service because.

Newport Village, New York has a 1990 U.S. Census population of 676 persons. Newport Village has no local

FM or AM service and, therefore, Petitioner's proposal would bring first local broadcast service to Newport Village.

| <u>City</u>               | <u>Present</u> | <u>Proposed</u> |
|---------------------------|----------------|-----------------|
| Old Forge, New York       | 231A, 259A     | 231A            |
| Newport Village, New York | --             | 259A            |

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 259A at Newport Village.<sup>1</sup> The reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments, except to the authorized channel 259A site. Operation from the reference site will provide the requisite city grade signal to all of Newport Village.

Figure 2 is a map showing the area to locate channel 259A at Newport Village in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). The Newport Village city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Pursuant to section 1.420(i), the Commission will consider petitions to modify the license/construction permit of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As the entire area to locate for

channel 259A at Newport Village depicted on Figure 2 would be short-spaced to the authorized channel 259A site, including the channel 259A reference site, the new allotment is mutually exclusive with the existing allotment.

#### Gain and Loss Areas and Available Aural Services

Figure 3, attached, is a map showing the FM 1 mV/m primary service contours for the authorized channel 259A operation at Old Forge and the proposed operation on channel 259A at Newport Village. Maximum facilities and uniform terrain were used to determine contour locations. The 1 mV/m "gain" and "loss" areas are also indicated. It is emphasized that the authorized channel 259A facilities are unbuilt and the FCC has stated that the removal of an unbuilt station from a community does not represent the same concerns with loss of service that removal of an operating station would represent.<sup>2</sup>

Figure 4 is a map depicting the FM 1 mV/m primary service contours for the authorized operation on channel 259A at Old Forge the proposed operation on channel 259A at Newport Village. Also shown are other aural (AM, FM) services available to the areas within the 1 mV/m contours.<sup>3</sup> For FM stations the 1 mV/m contour is depicted, and for AM station WGY the 0.5 mV/m contour is shown. Figure 5 tabulates the AM and FM stations whose contours are shown on Figure 4. Only those FM and AM

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<sup>1</sup>The geographic coordinates for Channel 259A at Newport Village are North Latitude 43°15'43" and West Longitude 75°05'02".

<sup>2</sup>See paragraph 2 of the Report and Order in MM Docket No. 92-175 (DA 93-1374; adopted November 10, 1993, released December 13, 1993).

<sup>3</sup>The determination of available reception services was based on the criteria set forth in footnote 5 of the Notice of Proposed Rule Making in MM Docket No. 94-61 (DA-611; adopted June 9, 1994 released July 5, 1994).

services necessary to provide at least five (5) fulltime aural services to the gain and loss areas have been shown on Figure 4.

Figure 6 is a tabulation of the land areas and estimated populations within the 1 mV/m FM primary service contours for the authorized channel 259A operation at Old Forge and proposed channel 259A operation at Newport Village. Also tabulated are the gain, loss and "net" gain areas. Adoption of the Petitioner's proposal will increase the number of persons within a 1 mV/m contour from 2,889 to 168,889, and will result in a "net" increase in 1 mV/m coverage of 166,000 persons.

#### Other Available FM Channels

In addition to the vacant, applied for, channel 231A allotment at Old Forge, it appears that there are at least seven (7) other Class A FM channels available for assignment to Old Forge. Those channels are 223, 243, 251, 261, 263, 265 and 290. Figure 7 provides separation studies for these channels conducted from the authorized channel 259A site.

#### Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of Section 73.313, except that uniform terrain was presumed in all directions. Distances to WGY 0.5 mV/m contour were based on a nondirectional radiation of 2708 mV/m employed on all azimuths. FCC Figure M-3 conductivity employed along all azimuths.

Population and Area

The population within each FM primary service contour (1 mV/m), gain and loss area, and reception area was calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.

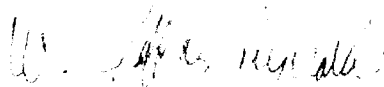
Conclusion

Channel 259A can be reallocated from Old Forge, New York to Newport Village, New York in compliance with all applicable Commission Rules. Furthermore, adoption of the proposal will increase the number of persons within the authorized channel 259A 1 mV/m contour from 2,889 persons to 168,889 persons, and there will be a "net" increase in 1 mV/m coverage of 166,000 persons.

Therefore, Petitioner requests the reallocation of channel 259A from Old Forge, New York to Newport Village and the modification of the Petitioner's

Old Forge and Newport Village, New York

construction permit (BPH-940203MC) to specify operation on  
channel 259A at Newport Village.



W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 North Washington Blvd.  
Suite 700  
Sarasota, Florida 34236

March 10, 1997



Figure 1

TECHNNICAL EXHIBIT  
IN SUPPORT OF A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
OLD FORGE AND NEWPORT VILLAGE, NEW YORK

FM SEPARATION STUDY

Job Title : Proposed Ch. 259A, Newport Village, NY      Separation Buffer    32 km  
FCC DB Date : 02/24/97  
Channel 259A ( 99.7 MHz)      Coordinates : 43-15-43    75-05-02

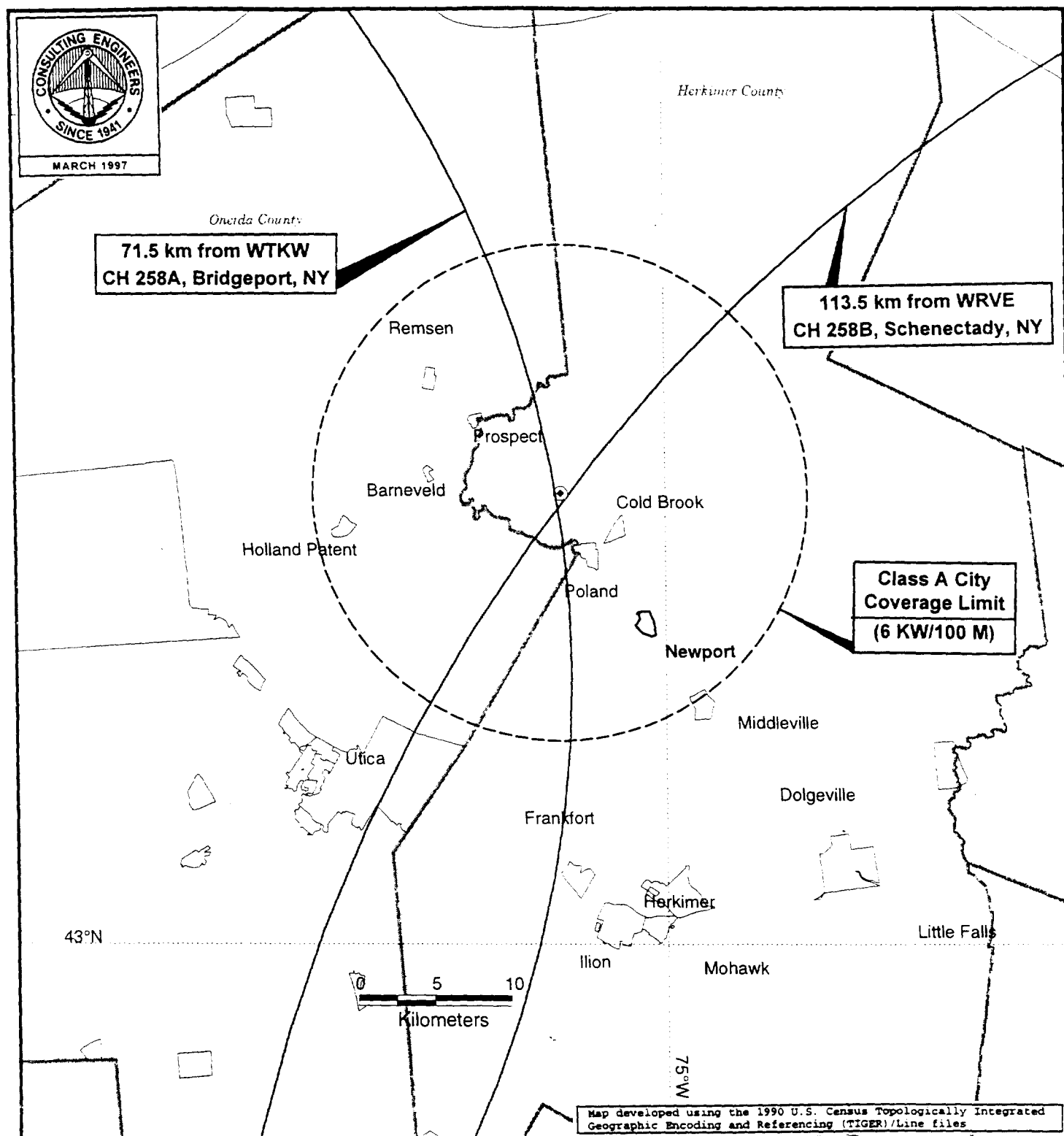
| Call<br>Status   | City<br>State            | FCC File No.  | Channel<br>Freq. | ERP(kW)<br>HAAT(m) | Latitude<br>Longitude | Bearing<br>deg-Tru | Dist.<br>(km)   | Req.<br>(km)              |
|--|--------------------------|---------------|------------------|--------------------|-----------------------|--------------------|-----------------|---------------------------|
| W257BE<br>CP   | Hamilton<br>NY           | BPFT960111TI  | 257D<br>99.3     | .012<br>123.0      | 42-48-41<br>75-31-58  | 216.2              | 62.01<br>0.00   | 0<br>TRANS                |
| Translator for WKXZFM, Hamilton, NY.   |                          |               |                  |                    |                       |                    |                 |                           |
| WTKW<br>LIC  | Bridgeport<br>NY         | BLH940720KA   | 258A<br>99.5     | 5.7<br>103.0       | 43-09-23<br>75-57-27  | 260.9<br>SS        | 71.97<br>-0.03  | 72<br>CLOSE <sup>1</sup>  |
| Specially negotiated , short-spaced allotment, Ltd to 6KW ERP & 100m Haat or the equivalent along the 341.7 degree azimuth towards CJBC2F, channel 258A in Kingston, ON-Accepted by Canada on 930715 |                          |               |                  |                    |                       |                    |                 |                           |
| WRVE<br>LIC  | Schenectady<br>NY        | BLH871202KE   | 258B<br>99.5     | 14.5<br>282.0      | 42-38-13<br>73-59-45  | 127.8              | 112.73<br>-0.27 | 113<br>CLOSE <sup>1</sup> |
| W259AC<br>LIC  | Utica<br>NY              | BLFT941013TB  | 259D<br>99.7     | .050<br>55.0       | 43-06-08<br>75-13-53  | 214.0              | 21.43<br>0.00   | 0<br>TRANS                |
| Translator For WJIV, Cherry Valley, NY   |                          |               |                  |                    |                       |                    |                 |                           |
| NEW<br>CP  | Old Forge<br>NY          | BPH940203MC   | 259A<br>99.7     | 3.8<br>73.0        | 43-43-16<br>74-56-28  | 12.7<br>SS         | 52.31<br>-62.69 | 115<br>SHORT <sup>2</sup> |
| WIII-FM1<br>CP   | Dewitt<br>NY             | BPFTB960507TB | 260D<br>99.9     | .260<br>376.0      | 42-52-50<br>76-11-46  | 245.2              | 100.02<br>.00   | 0<br>BOOST                |
| WIII<br>LIC  | Cortland<br>NY           | BLH880411KA   | 260B<br>99.9     | 23.5<br>223.0      | 42-33-22<br>76-09-17  | 228.4              | 117.46<br>4.46  | 113<br>CLOSE              |
| NEW-T<br>APP   | Lowville<br>NY           | BPFT941104TE  | 261D<br>100.1    | .010<br>320.0      | 43-44-00<br>75-33-58  | 323.6              | 65.31<br>0.00   | 0<br>TRANS                |
| Translator For WLKC, Henerson, NY  |                          |               |                  |                    |                       |                    |                 |                           |
| W262AC<br>LIC  | Little Falls, etc.<br>NY | BLFT930922TC  | 262D<br>100.3    | .005<br>203.0      | 43-01-10<br>74-50-49  | 144.4              | 33.14<br>0.00   | 0<br>TRANS                |
| Translator For WMHR, Syracuse, NY  |                          |               |                  |                    |                       |                    |                 |                           |
| ALC  | Sylvan Beach<br>NY       | Docket96-37   | 262A<br>100.3    | .0                 | 43-11-47<br>75-43-51  | 262.3              | 53.07<br>22.07  | 31<br>CLEAR               |
| Proposed as Class B1 to Canada 960305-Accepted by Canada<br>Effective 1-17-97 per D96-37   |                          |               |                  |                    |                       |                    |                 |                           |

\*\* End of separation study for channel 259A \*\*

<sup>1</sup> Complies with the minimum distance separation requirements of Section 73.207 when rounded to the nearest whole kilometer pursuant to Section 73.208.

<sup>2</sup> Authorized channel 259A site. Requested reallocation of channel 259A to Newport Village, New York is mutually exclusive with the Petitioner's current channel 259A allotment at Old Forge, New York.

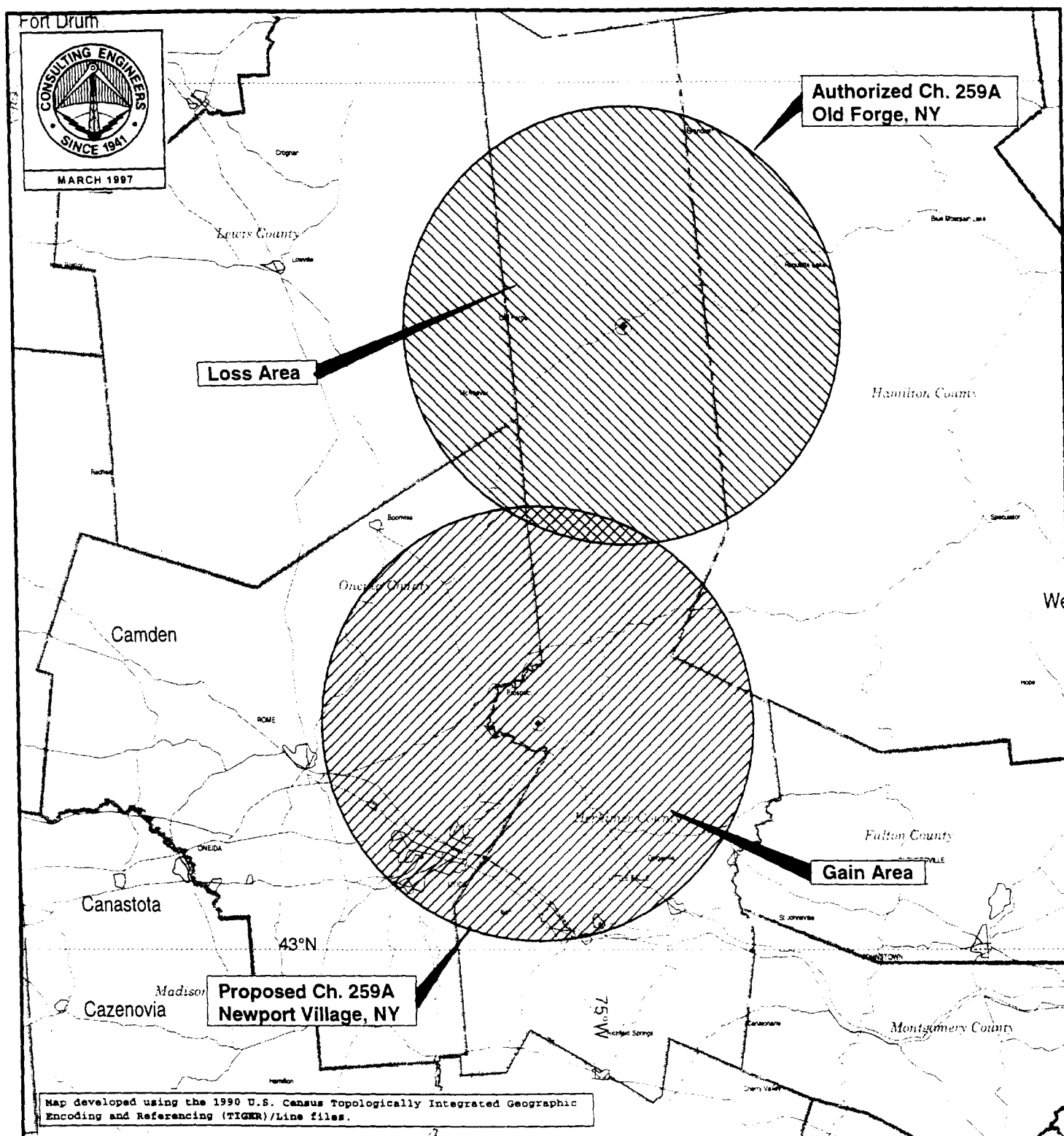
Figure 2



**AREA TO LOCATE  
CHANNEL 259A  
NEWPORT VILLAGE, NEW YORK**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

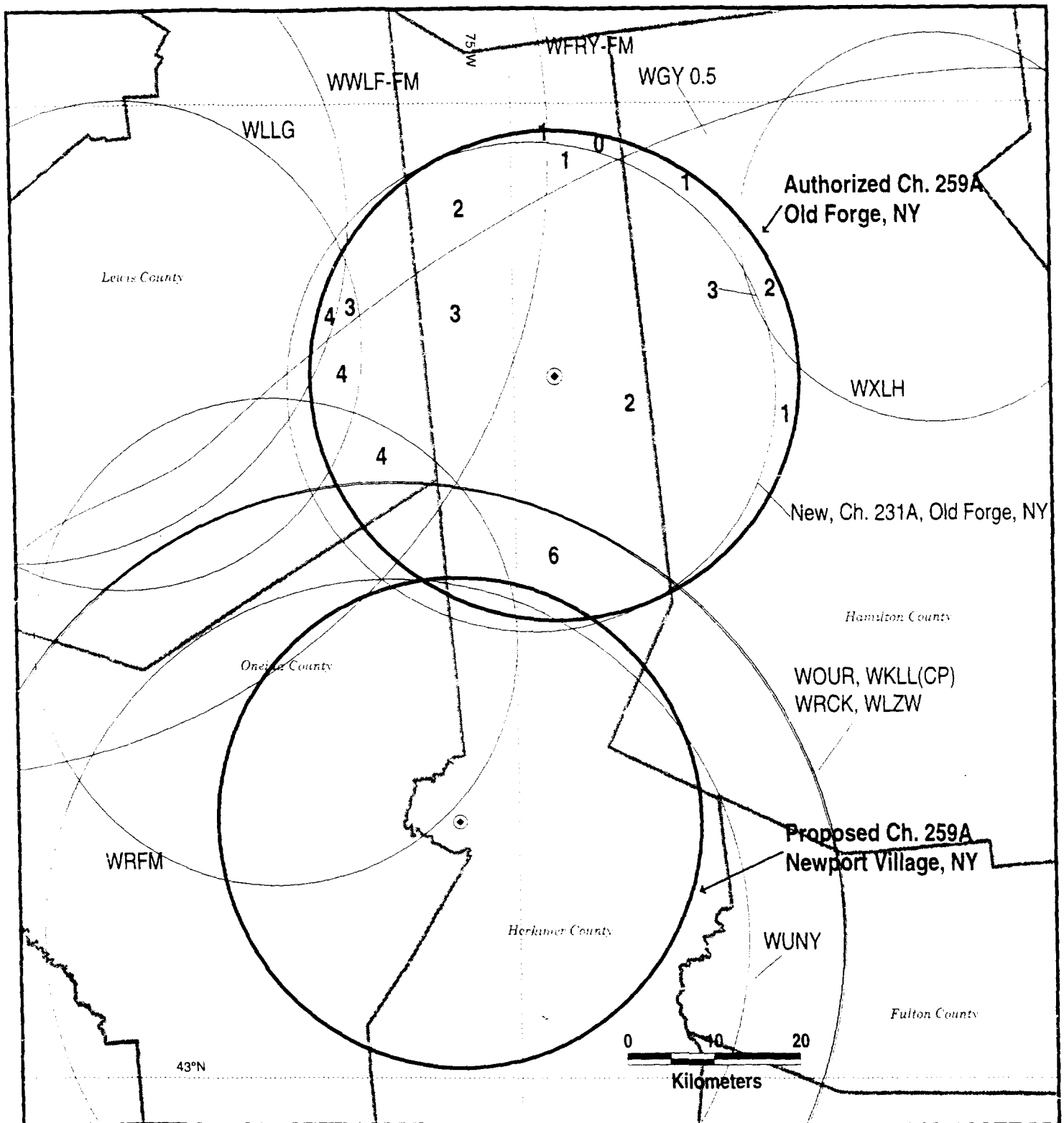
Figure 3



**1 MV/M PRIMARY SERVICE CONTOURS  
CHANNEL 259A  
NEWPORT VILLAGE, NEW YORK**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4



**RECEPTION SERVICES AVAILABLE  
WITHIN THE 1 MV/M PRIMARY SERVICE CONTOURS  
CHANNEL 259A  
NEWPORT VILLAGE, NEW YORK**

TECHNICAL STATEMENT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
OLD FORGE AND NEWPORT VILLAGE, NEW YORK

Radio Stations Considered for  
Available Reception Services Analysis

I. FM STATIONS - 1 MV/M Contours

| Call Letters | Location               | Authorized Facilities <sup>1</sup> |
|--------------|------------------------|------------------------------------|
| WUNY         | Utica, NY              | Ch. 208B, ERP 7.1 kW/HAAT 137 m    |
| WXLH         | Blue Mountain Lake, NY | Ch. 217A, ERP 0.078 kW/HAAT 527 m  |
| WRFM         | Remson, NY             | Ch. 228A, ERP 6 kW/HAAT 73 m       |
| Application  | Old Forge, NY          | Ch. 231A, ERP 6 kW/HAAT -9 m       |
| WKLL         | Frankfort, NY          | Ch. 235B, ERP 34 kW/HAAT 173 m     |
| WOUR         | Utica, NY              | Ch. 245B, ERP 19.5 kW/HAAT 241 m   |
| WFRY-FM      | Watertown, NY          | Ch. 248C1, ERP 100 kW/HAAT 87 m    |
| WLZW         | Utica, NY              | Ch. 254B, ERP 25 kW/HAAT 201 m     |
| WLGG         | Lowville, NY           | Ch. 257A, ERP 1 kW/HAAT 171 m      |
| WWLF-FM      | Copenhagen, NY         | Ch. 294C3, ERP 1.8 kW/HAAT 363 m   |
| WRCK         | Utica, NY              | Ch. 297B, ERP 50 kW/HAAT 152 m     |

\*Denotes noncommercial, educational FM assignment.

II. AM Stations - 0.5 mV/m Contour (Class A)

| Call Letters | Location        | Authorized Facilities <sup>2</sup> |
|--------------|-----------------|------------------------------------|
| WGY          | Schenectady, NY | 810 kHz, 50 kW, ND, U (Class A)    |

<sup>1</sup>Distances to FM 1 mV/m contours based on FCC's standard prediction method using maximum facilities for the class and presuming uniform terrain.

<sup>2</sup> Distances to WGY 0.5 mV/m contour based on a nondirectional radiation of 2708 mV/m employed on all azimuths. FCC Figure M-3 conductivity employed along all azimuths.

TECHNICAL STATEMENT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
OLD FORGE AND NEWPORT VILLAGE, NEW YORK

Tabulation of Areas, Populations and  
Reception Services Within 1 mV/m Coverage Contours

I. POPULATION AND AREA WITHIN 1 MV/M CONTOURS

| Facilities                               | Within 1 mV/m Contour <sup>1</sup> |                         |
|--|------------------------------------|-------------------------|
|  | Population (1990)                  | Area (km <sup>2</sup> ) |
| Authorized Ch. 259A,<br>Old Forge, NY    | 2,889                              | 2,462                   |
| Proposed Ch. 259A<br>Newport Village, NY | 168,889                            | 2,462                   |

II. POPULATION AND AREA WITHIN GAIN AND LOSS AREAS

| Area            | Within 1 mV/m Contour <sup>1</sup> |                         |
|-----------------|------------------------------------|-------------------------|
|                 | Population (1990)                  | Area (km <sup>2</sup> ) |
| Gain Area       | 168,889                            | 2,413                   |
| Loss Area       | 2,889                              | 2,413                   |
| "Net" Gain Area | 166,000                            | 2,155                   |

### III. AVAILABLE RECEPTION SERVICES WITHIN GAIN AND LOSS AREAS

| Area      | No. of<br>Services | Within 1 mV/m Contour <sup>1</sup> |                         |
|-----------|--------------------|------------------------------------|-------------------------|
|           |                    | Population (1990)                  | Area (km <sup>2</sup> ) |
| Gain Area | 5 or more          | 166,000                            | 2,413                   |
| Loss Area | 0                  | 0                                  | 18                      |
|           | 1                  | 0                                  | 136                     |
|           | 2                  | 2,080                              | 1,375                   |
|           | 3                  | 125                                | 408                     |
|           | 4                  | 133                                | 127                     |
|           | 5 or more          | 551                                | 349                     |

<sup>1</sup> Distances to 1 mV/m contours based on maximum facilities for the class and uniform terrain. Population calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The land areas were calculated using a root mean square algorithm. Stations considered for available reception services analyses tabulated on Figure 5.

TECHNICAL EXHIBIT  
IN SUPPORT OF  
A PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
OLD FORGE AND NEWPORT VILLAGE, NEW YORK

FM Separation Studies - Other Available Channels at Old Forge

**Channel 223A ( 92.5 MHz)**

Coordinates : 43-43-16 74-56-28

| Call<br>Status   | City<br>State     | FCC File No. | Channel<br>Freq. | ERP(kw)<br>HAAT(m) | Latitude<br>Longitude | Bearing<br>deg-Tru | Dist.<br>(km)   | Req.<br>(km)       |
|--|-------------------|--------------|------------------|--------------------|-----------------------|--------------------|-----------------|--------------------|
| WMNM<br>LIC  | Port Henry<br>NY  | BLH920701KC  | 221C3<br>92.1    | 18.0<br>3.0        | 44-01-38<br>73-28-54  | 73.3               | 122.15<br>80.15 | 42<br>CLEAR        |
| WFLY<br>LIC  | Troy<br>NY        | BLH871015KA  | 222B<br>92.3     | 17.0<br>259.0      | 42-38-16<br>73-59-55  | 147.3              | 142.69<br>29.69 | 113<br>CLEAR       |
| WKGBFM<br>LIC  | Susquehanna<br>PA | BLH910125KA  | 223A<br>92.5     | 1.3<br>216.0       | 42-03-10<br>75-42-07  | 198.7              | 195.49<br>80.49 | 115<br>CLEAR       |
| Class B1 with respect to Canada  |                   |              |                  |                    |                       |                    |                 |                    |
| CFQRFM   | Montreal          |              | 223C1            | 41.                | 45-30-20              | 27.8               | 225.35          | 256                |
|  | QU                |              | 92.5             | 299.0              | 73-35-32              |                    | -30.65          | SHORT <sup>1</sup> |
| SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION.                                |                   |              |                  |                    |                       |                    |                 |                    |
|  | Pembroke          |              | 223C1            |                    | 45-40-53              | 322.7              | 276.83          | 256                |
|  | ON                |              | 92.5             | .0                 | 77-05-47              |                    | 20.83           | CLEAR              |
| Specially negotiated, short-spaced allotment-Accepted by Commission 940815 |                   |              |                  |                    |                       |                    |                 |                    |
| WXUR<br>LIC  | Herkimer<br>NY    | BLH790418AA  | 224A<br>92.7     | 3.00<br>91.0       | 43-03-50<br>75-01-44  | 185.6              | 73.37<br>1.37   | 72<br>CLOSE        |
| Class B1 with respect to Canada  |                   |              |                  |                    |                       |                    |                 |                    |
| CBBKFM   | Kingston          |              | 225A             | 1.60               | 44-17-22              | 297.7              | 138.69          | 62                 |
|  | ON                |              | 92.9             | 121.0              | 76-28-50              |                    | 76.69           | CLEAR              |
| WNTQ<br>LIC  | Syracuse<br>NY    | BLH7277      | 226B<br>93.1     | 97.<br>201.0       | 42-56-47<br>76-01-32  | 225.9              | 123.07<br>54.07 | 69<br>CLEAR        |
| GRANDFATHERED AT 97KW @ 201M HAAT.   |                   |              |                  |                    |                       |                    |                 |                    |

\*\* End of separation study for channel 223A \*\*

<sup>1</sup> Coordination with Canada required.



**Channel 243A ( 96.5 MHz)**

Coordinates : 43-43-16 74-56-28

| Call<br>Status  | City<br>State    | FCC File No. | Channel<br>Freq. | ERP(kW)<br>HAAT(m) | Latitude<br>Longitude | Bearing<br>deg-Tru | Dist.<br>(km)    | Req.<br>(km)              |
|---|------------------|--------------|------------------|--------------------|-----------------------|--------------------|------------------|---------------------------|
| WODZFM<br>CP  | Rome<br>NY       | BPH960718IC  | 241B1<br>96.1    | 6.8<br>193.0       | 43-08-39<br>75-10-45  | 196.8              | 66.94<br>18.94   | 48<br>CLEAR               |
| CFMKFM<br>ON  | Kingston         |              | 242B<br>96.3     | 50.<br>153.0       | 44-10-02<br>76-25-40  | 293.1              | 129.25<br>-19.75 | 149<br>SHORT <sup>2</sup> |
| SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION  |                  |              |                  |                    |                       |                    |                  |                           |
| WVNV<br>LIC   | Malone<br>NY     | BLH920511KF  | 243A<br>96.5     | 2.4<br>110.0       | 44-49-37<br>74-22-46  | 19.8               | 130.81<br>15.81  | 115<br>CLOSE              |
| Specially negotiated, short-spaced allotment Ltd to 3KW ERP & 100m Haat or the equivalent along the 316.4 degree azimuth towards channel 243A* (L) in Buckingham, QU-Accepted by Canada on 931004   |                  |              |                  |                    |                       |                    |                  |                           |
|   | Buckingham<br>QU |              | 243A<br>96.5     |                    | 45-35-00<br>75-25-00  | 349.9              | 210.35<br>30.35  | 180<br>CLEAR              |
| Specially negotiated short-spaced allotment ltd. to 1.3kw ERP at 100m HAAT or equivalent in the direction of Malone , NY (az. = 135.6 degrees)  |                  |              |                  |                    |                       |                    |                  |                           |
| WVNC<br>LIC   | Canton<br>NY     | BLED3956     | 244A<br>96.7     | 2.60<br>94.0       | 44-32-01<br>75-05-50  | 352.2              | 91.15<br>19.15   | 72<br>CLEAR               |
| Commerical Channel Operating Educational<br>Specially negotiated, short-spoaced allotment limited to 7.0kw ERP and 100m HAAT or the equivalent along the 309.8 degree azimuth towards CBCD, channel 244C1* in Pembroke, ON; and limited to 17.8kw ERP and 100m HAAT or the equivalent along the 47.7 degree azimuth towards CKOI, channel 245C1 in Verdun, QU |                  |              |                  |                    |                       |                    |                  |                           |
| WOUR<br>LIC   | Utica<br>NY      | BLH900501KC  | 245B<br>96.9     | 19.5<br>241.0      | 43-08-46<br>75-10-40  | 196.7              | 66.70<br>-2.30   | 69<br>SHORT <sup>3</sup>  |

\*\* End of separation study for channel 243A \*\*

<sup>2</sup> Coordination with Canada required.

<sup>3</sup> Site restriction 2.3 km north.